

Kansas Environmental News



Fall 2003



Secretary's Corner

Roderick L. Bremby

Evaluations from the 2003 Kansas Environment Conference indicate another successful event! Over 330 individuals attended the conference, which was held August 26 - 27, 2003 at the Wichita Marriott. The conference started off with a motivational presentation by keynote speaker John Madden of Wichita, Kansas. Mr. Madden inspired the audience with his "Leap, Don't Sleep" address. Concurrent sessions were presented on a variety of subjects, including environmental issues in cities and counties, a state of the environment address, pollution prevention case studies, indoor air quality, hazardous waste, environmental law, and many more!

KDHE's Pollution Prevention Program annually recognizes individuals, communities or community groups, businesses and industries who have made a significant impact in protecting our environment by preventing pollution.

Pollution prevention (P2) encompasses many different activities that reduce or prevent the generation of pollutants or wastes at the source. Opportunities for preventing pollution occur in all sectors of economic life - industry, agriculture, energy, and/or design and use of consumer products. These awards are not competitive, but are judged based on independent merit.

Eight awards were presented to six different organizations during the awards luncheon at the conference. Due to a scheduling conflict, I was unable to present the awards at this year's conference. I'd like to take this time to personally congratulate the following award recipients.

Deluxe Financial Services, Kansas City
Panhandle Eastern Pipeline Company, Haven
Abilene Memorial Hospital, Abilene
Z's Divine Espresso, Lawrence
Coordinating Committee for Automotive
Repair (CCAR), Overland Park
City of Wichita

Additional information on the awards can be found on page 2. Again, congratulations to this year's P2 award recipients.

Be Well,

A handwritten signature in black ink, appearing to read 'Roderick'.

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Are you a small business that has questions regarding compliance with environmental regulations or permits? Don't hesitate to call Kansas State University's Small Business Environmental

Assistance Program for free, confidential, technical assistance! Simply call (800) 578-8898.

KDHE Recognizes the 2003 Pollution Prevention Award Recipients

Deluxe Financial Services in Kansas City received two awards, both in the Education/Communication category. Deluxe's Kansas City Distribution Center received an award for its project "It's Keen to be Green." By recycling and waste reduction, the distribution center was able to reduce its disposal costs by 66% from 2001 to 2002. Deluxe also received an award for implementing a recycling program in the office area. During 2002, the program's results were the equivalent of saving 2,845,045 gallons of water, 6,909 trees, and 1,666,383 kilowatts of electricity through its reduction efforts.

Panhandle Eastern Pipeline Company in Haven developed an oil vapor recovery system and was selected for an award in the New Technology category. The oil vapor recovery system recovers an average of $\frac{1}{2}$ to 1 gallon of oil per week.

Memorial Hospital in Abilene received an award in the New Initiatives category. In addition to implementing a solid waste reduction program, Memorial Hospital has pledged to reduce and eliminate the use of mercury and other toxics within the facility. In April 2003 Memorial Hospital became the first Kansas facility to put this environmental commitment in writing, by joining the national Hospital for a Healthy Environment (H2E) pollution prevention program.

Z's Divine Espresso in Lawrence received an award in the Special Projects category for their efforts in energy and waste reduction and recycling. The company has implemented various energy and waste reduction practices such as using reusable mugs, composting coffee grounds and using energy efficient lighting.

The Coordinating Committee for Automotive

Repair (CCAR®) of Overland Park was awarded for their efforts to improve the environment through education and communication with the automotive repair industry. CCAR® offers online safety and pollution prevention training for the automotive industry.

The **City of Wichita** received two pollution prevention awards. The Department of Environmental Health received an award in the Education/Communication category for their educational "Discovery Boxes" at the Wichita Area Treatment Education & Remediation (WATER) Center. The boxes contain material and videos related to water and pollution prevention. The Sewage Treatment Division received an award in the New Initiatives category for its project to reduce mercury and silver discharges. By working with the dental industry and photo-finishers, printers, and diagnostic x-rays, the city was able to reduce the final effluent concentrations of mercury entering the river by 74% in addition to recovering and recycling approximately 75 lbs. of silver.



Left to right: Jack Brown, City of Wichita; Tom Ireland, Deluxe Financial Services; Gary Trear, Panhandle Eastern Pipeline Co. (PEPL); Robert Stewart, CCAR; Wade Needham, Abilene Memorial Hospital; Scott Barker, PEPL; Libby Albers, City of Wichita; Jamie Belden, City of Wichita; Becky Gagnon, Wichita Sewage Treatment Division; Mike Cox, PEPL; Kay Johnson, City of Wichita; Ron Hammerschmidt, Director, KDHE Division of Environment; Jess Hudnall, PEPL; David Nordling, PEPL

KDHE REGULATIONS IN PROCESS

REGULATION	DIV. DRAFT	EPA REVIEW	DOA REVIEW	AG REVIEW	PUBLIC HEARING	EFFECTIVE
update 10/16/03						
<u>Waste Management</u>						
ConstructionDemo(N)	4/03	N/A	6/03	7/03	10/03	*12/03
SWPlanning(A)	6/03	N/A	9/03	*10/03	*12/03	*2/04
Tires	10/03		*11/03	*12/03	*2/04	*4/04
Permits	*11/03	*12/03	*12/03	*1/04	*3/04	*5/04
Hazardous Waste Update (A)	*1/04	*2/04	*2/04	*3/04	*5/04	*7/04
<u>Air and Radiation</u>						
AcidRainPermits(A)	*10/03		*11/03	*1/04	*3/04	*4/04
Acid Rain NOx(N)	*10/03		*11/03	*1/04	*3/04	*4/04
UpdateStds(NSPS,MA)	*11/03		*11/03	*12/03	*2/04	*3/04
Consolidated Air Rule (N)	*11/03		*11/03	*12/03	*2/04	*3/04
Definitions (A)	10/03		*10/03	*12/03	*2/04	*3/04
Inventory Report Regs	7/03		*10/03	*11/03	*1/04	*2/04
Air Emissions Fees Reg	7/03		9/03	*10/03	*12/03	*1/04
<u>Water</u>						
SurfaceWQS (A)(SB204)	12/01	**6/03	5/02	5/02	9/02	1/03
Surface WQS (HB2219)	6/03	*10/03	5/03	5/03	8/03	*10/03
<u>Public Water Supply</u>						
Lead Copper Minor Revisions(N)	3/03	3/03	8/03	10/03	*12/03	*2/04
Consumer Confidence Report(N)	3/03	3/03	8/03	10/03	*12/03	*2/04
Public Notification(N)	3/03	3/03	8/03	10/03	*12/03	*2/04
IESWTR(N)	3/03	3/03	8/03	10/03	*12/03	*2/04
Stage 1 DDBP(N)	3/03	3/03	8/03	10/03	*12/03	*2/04
LT1(N)	3/03	3/03	8/03	10/03	*12/03	*2/04
Filter Backwash Recycling Rule(N)	3/03	3/03	8/03	10/03	*12/03	*2/04
Radionuclide Rule(N)	3/03	3/03	8/03	10/03	*12/03	*2/04
Arsenic Rule(N)	3/03	3/03	8/03	10/03	*12/03	*2/04
Permits		3/03	8/03	10/03	*12/03	*2/04
28-15-11,13,14,15a,20,21,22(R)	3/03	3/03	8/03	10/03	*12/03	*2/04
Sewage 7 Excreta Disposal						
28-5-16,17,18(A)	3/03	*3/03	*3/03	*4/03	*6/03	*9/03
<u>Geology</u>						
Hydrocarbon Storage Wells(N)	12/02		3/03	3/03	6/03	8/03
Nat. Gas Storage Wells(N)	12/02		3/03	3/03	6/03	8/03

New(N), Amended(A), Revoked(R)

* denotes projected date

** denotes partial approval

Kansas Environment Conference Presentations Available Online

Many of the presentations from the 2003 Kansas Environment Conference held August 26 - 27, 2003 at the Wichita Marriott are now available online!

For instructions on how to view the presentations, go to

http://www.kdhe.state.ks.us/sbcs/2003_environment_conf.html.

Pre-Construction Air Permitting Overview

So you're thinking of building or modifying an industrial process that will install an engine, burn fuel of any kind, generate dust, layup fiberglass or generate solvent vapors. Generally speaking, products of combustion, dust of various kinds, hazardous air pollutants and solvent vapors are air pollutants regulated by KDHE. You may need a permit or approval from KDHE before you begin construction or equipment installation (K.A.R. 28-19-300). Your need for a permit or approval depends on the amount and type of air pollutants your process is capable of emitting and in some cases on the type of process.

The most common regulated air pollutants include: products of combustion (CO - carbon monoxide, SO₂ - sulfur dioxide, NO_x - nitrogen oxides, VOC - volatile organic compounds); solvent vapors (VOC - volatile organic compounds); dust, (PM - particulate matter); and lead

To apply for a permit or approval, Notification of Construction or Modification form must be completed. To determine if your construction activity will require a permit or an approval, refer to K.A.R. 28-19-300. This regulation can be viewed at <http://www.kdhe.state.ks.us/pdf/regs/28-19.pdf>. If it is determined that your construction activity will require a permit, an application fee of .05% of the estimated capital cost of the activity for which application is made will be charged. There is a \$100 minimum and \$4,000 maximum fee charge. If it's determined that you need an approval, not a permit, there is no fee charged.

Upon receipt of the application, KDHE staff will review the application, estimate the types and quantities of emissions of regulated air pollutants, and draft a permit or approval. The permit or approval will identify any limitations or regulatory requirements applicable to the process. The estimated time from receipt of the application to issuance of the permit varies depending on the proposed construction. An estimated timeline is provided on KDHE's Air Construction Permit Section web page.

If your company is planning to construct or modify a stationary source or emissions unit, make

sure you stay in compliance with the air regulations by obtaining your permit or approval before construction begins. For assistance, feel free to contact Bureau of Air and Radiation (BAR) staff. For more information regarding air construction permits, such as application forms, regulations, and contact information, visit KDHE's Air Construction Permit Section web page at <http://www.kdhe.state.ks.us/air-permit/acps.html>.

Ralph Walden, Bureau of Air and Radiation

Next Round of Solid Waste Grants Contingent Upon Fund Availability

Secretary Roderick Bremby announces that grant applications will be accepted for another round of competitive recycling and composting grants; however, FY 2005 awards are contingent upon the availability of funds. At the present time, it appears that funds may only be available if revenue increases above current levels. Such an increase could come from higher waste disposal quantities, a higher landfill tipping fee (it is currently \$1 per ton), or a special legislative appropriation of funds.

A recent analysis of the solid waste management fund has shown that the fund balance has decreased to less than \$3.5 million and it will drop to about \$2.5 million by the end of this fiscal year (June 30, 2004). The fund balance has steadily dropped beginning in 2001 when funds began to be transferred for indirect overhead expenses rather than solely to support solid waste program operations. On average, more than \$1 million per year has been transferred.

This fund balance level should not be reduced any further in FY 2005 which begins on July 1, 2004; with budgeted expenditures approximately equal to projected revenue. This requires budget cuts of more than \$1 million in FY 2005. KDHE will manage this cut by eliminating the competitive grant program and by cutting some contract expenditures. This means that the grant program could possibly not be part of the department's baseline budget, but be included as a proposed budget enhancement.

To help decide how to move forward, KDHE has sought input from a broad-based solid waste

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advisory group over the past few months. The advisory group recommended maintaining all current solid waste services including the grant program. There was consensus to request an increase in the tipping fee to an amount necessary to restore services to current level.

A tipping fee increase to \$1.30 per ton would be proposed to maintain services including the competitive grant program, which provides approximately \$1 million per year in grants for local recycling and composting projects. The advisory group also supported including a built in inflationary factor to adjust the tipping fee every two years based upon an appropriate inflation index. If this fee increase proposal goes into effect on July 1, 2004, the grant program could continue uninterrupted.

Because of the possibility that the legislature will increase the tipping fee to generate needed revenue or perhaps revenue will increase for some other reason, the grant program will be announced as always in late 2003. Grant workshops will be held in the winter and applications will be received through early spring. If funds are available, staff will summarize applications for review by the governor's grants advisory committee in June or July with awards to follow in mid-summer. If funds are not available, applicants will be notified of this outcome.

If you would like more details about the funding situation and potential legislation to address this need, please contact Bill Bider at (785) 296-1612 or wbider@kdhe.state.ks.us.
Bill Bider, Director, Bureau of Waste Management

Zebra Mussel: Their Inevitable Arrival in Kansas

The zebra mussel, *Dreissena polymorpha* (Pallas, 1771), a small bivalve mollusk native to eastern Europe and Western Asia, was introduced accidentally to North America between 1985 and 1986 in the ballast water of commercial ships arriving from Europe. Within a decade and a half, zebra mussels have infested all Great Lakes and over 20 mid-western and eastern states. Biologists believe this highly invasive exotic species has spread from the Great Lakes into our major river systems primarily through inadvertent transport by commercial barge and recreational vessels.

In the last two years, several dead zebra mussel specimens have been recovered from the cooling water intake of a power plant located along the Missouri River near Kansas City, and just recently within the month of August 2003, live specimens were discovered in El Dorado Lake in south-central Kansas. This rapid spread can be partly attributed to their reproductive cycle. A fully mature female may produce up to one million eggs per season. Spawning usually begins in early spring or summer when the water temperature warms to about 54 degrees (12 degrees Celsius) and continues until the water cools below 54 degrees Fahrenheit.

Deemed a non-indigenous aquatic nuisance, the zebra mussel has the potential to cost North American water users billions of dollars in monitoring and control. Upon finding environmental conditions favorable for growth, weak swimming microscopic planktonic larvae (veligers) develop into small (< 1 inch) sessile adult mussels that attach to any available hard substrate by means of byssus threads. These adult mussels usually appear as yellow-brown shells with dark-and light colored stripes, and superficially resemble our small native clams. Large colonies can form containing numerous individuals and interfere with the operations of water intake facilities, irrigation systems, and recreational boat motors. These infestations also often have negative ecological impacts on native freshwater mussels, and may disrupt normal aquatic food webs and ecosystem functions.



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Cooperative monitoring efforts ongoing by state agencies and industrial and public utilities continue to track the spread of zebra mussels. Public awareness concerning this phenomenon is critical for preparing for and mitigating the potential economic and ecological impacts of these organisms. Recent studies suggest there are ways that individual citizens may be able to help slow the spread of zebra mussels. Here are some ways each of us can help.

If a boat or personal watercraft (PWC) is or may be contaminated with zebra mussels, perform the following inspection and cleaning procedures before entering any water body:

- *Inspect the hull, trailer, and live well (must be dry) and remove any visible zebra mussels or aquatic plants. If zebra mussels are discovered, collect and place in rubbing alcohol and contact the appropriate state agencies (see below). Under no circumstances throw the organism back into the water.*
- *Before leaving the premises of any visited water body, drain out any lake or river water from the engine cooling system (PWCs blow out), live well, bilge, bait bucket or any other water that may be on-board.*
- *Trash all leftover bait on land in appropriate receptacles. Do not re-use live bait if exposed to infested waters.*
- *At a minimum, rinse hull, trailer, motor, and infested equipment with high pressure chlorinated tap water, using hot water (140°F) if possible, flushing engine cooling system, live well, and bilge before transporting your vessel from infested waters to uninfested waters and dry everything in an area protected from rain for FIVE DAYS before entering uninfested waters.*

Public adherence to recommended control practices and reporting zebra mussel sightings will help prevent continual spread to our lakes and rivers. For more information, or to report a zebra mussel sighting, please contact the Kansas Department of Wildlife and Parks, Research and Survey Office at (620) 342-0658 or the Kansas Department of Health and Environment, Bureau of Environmental Field Services at (785) 296-6603. To find additional

information and identified control measures targeted at the zebra mussel, please visit the US Army Corps of Engineers website <http://www.wes.army.mil/el/elpubs/zebtnote.html>.

Tony Stahl, Bureau of Environmental Remediation

Brownfields Program

The term 'brownfield site' means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Often the potential liability associated with contamination complicates business development, property transactions or expansion on the property. The goal of the state Brownfield program is to ensure that contaminated properties owned, or to be purchased by, local governments (city, county) and non-profit organizations are appropriately assessed, cleaned up, and reused.

KDHE has been conducting Brownfields Targeted Assessments (BTA) for municipalities at brownfields properties since 1996. Assessments conducted for municipalities provide information regarding the presence (or absence) of contamination on a piece of property, allowing the city to base redevelopment decisions on the results of the BTA.

Since the program was created in 1996, KDHE has assisted over 30 municipalities and Not-For-Profit organizations determine the true environmental conditions of properties that were dominant within their communities. Sometimes, even the proximity of a property to a known contaminated site keeps developers from choosing that location for redevelopment. Through the Brownfields program, information collected by KDHE at 12 of these properties revealed that no environmental cleanup activities were necessary. These properties have gone on to be redeveloped as a carousel museum, a childcare center, a theater, and various other organizations that benefit the communities they are located in.

By investigating and cleaning up a brownfields site and taking care of the site's possible health or environmental risks, communities can use local land again **B** producing jobs, increasing the tax base or adding other benefits such as creating a park or residential area.

Bridget Wilson, Bureau of Environmental Remediation

Landfill Siting and Permitting Process Under Evaluation

Recent concerns regarding the siting and permitting of new landfills has resulted in a major KDHE effort to evaluate the adequacy of existing laws and regulations with the hope of improving prescribed processes to: (1) assist local governments in decision-making, (2) provide more information to the public early in the permitting process, and (3) maximize the use of “good science” at every stage in the permitting process. There appears to be agreement from interested parties that improvements to our state laws and regulations are possible.

KDHE has formed a technical task force of about 30 persons representing public and private landfill owners, environmental groups, planners, recyclers, and attorneys to assist in the evaluation process and to provide recommendations for change in current processes. This task force met on September 24, 2003 in Topeka and provided considerable feedback regarding appropriate statutory changes as the first step toward improvement. KDHE will work further with the task force to develop a bill for introduction in the 2004 legislative session. The next step in the process, pending the consideration of the bill will be to work closely with the task force to develop technical changes to the landfill permitting regulations.

Some ideas which are currently under consideration and discussion for statutory and regulatory change include:

- (1) *Revise state law to allow KDHE to require a preliminary site evaluation prior to local zoning actions. This evaluation will provide zoning officials with certain limited information on the environmental suitability of a site. Presently, local zoning occurs before KDHE examines any site specific information.*
- (2) *Provide limited preliminary site evaluation information to the public, prior to zoning through a combination of press release, public notice, and public meeting.*
- (3) *Establish site characteristics based upon such factors as proximity and pathways to receptors and hydrogeological site characteristics and use this information to assess site during preliminary evaluation.*
- (4) *Establish appropriate enhanced standards of design and operation for sites that have less than “optimal” characteristics.*
- (5) *Establish a new requirement for landfills which import waste from out of state to demonstrate that they are not receiving regulated hazardous waste as defined by Kansas law. Currently, Kansas regulates hazardous waste generators down to 25 kg/mo whereas our neighboring states only regulate down to 100 kg/mo.*

If you would like to know more about the task force activities or provide input to the process, please contact Bill Bider at (785) 296-1612 or wbider@kdhe.state.ks.us.

Bill Bider, Director, Bureau of Waste Management

The Bureau of Waste Management will be offering the following workshops to provide training on composting at confined animal feeding operations (CAFOs).

February 10, 2004

Fort Scott, KS

Focus on swine and poultry

February 12, 2004

Garden City, KS

Focus on beef and dairy cattle operations

For more information on the **Composting at Confined Animal Feeding Operations** workshops, contact Ken Powell at 785-296-1121 or e-mail at kpowell@kdhe.state.ks.us.

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**Bureau of Environmental Field Services
Kansas Department of Health and Environment
Charles Curtis Office Building
1000 SW Jackson Street, Suite 430
Topeka, KS 66612**

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